IN THE HIGH COURTOF PUNJAB AND HARYANA, CHANDIGARH.

CWP No. 18567 of 2007
Date of decision: 10.12.2007

Surinder Singh

....Petitioner.

vs.

State of Punjab and another

..Respondents

CORAM: HON'BLE MR.JUSTI CE J.S.KHEHAR.
HON'BLE MR.JUSTICE SHAM SUNDER.

Present: Mr.Sandeep Arora, Advocate, for the petitioner.

J.S.KHEHAR,J. (Oral)

As a matter of punishment various orders were passed against the petitioner. As against the aforesaid orders, a statutory remedy in the form of an appeal was available to the petitioner. As against the orders passed on 24.6.1981, 28.10.1982, 22.4.1983,10.9.1993, 19.4.1999 and 28.9.1999, the petitioner preferred an appeal on 27.2.2006. It is not a matter of dispute that under the statutory rules the period of limitation available to the petitioner for filing an appeal was 45 days. It is, therefore, apparent that as against the first order, the appeal filed by the petitioner was after lapse of about 25 years whereas against the last order the appeal was filed after more than 7 years.

The claim of the petitioner before the Appellate Authority, as well as, before this Court is that the petitioner became aware of the impugned orders of punishment only in the year 2006 and accordingly preferred appeals immediately on becoming aware of the orders of punishment. As a matter of fact, the Appellate Authority disbelieved the petitioner insofar as his assertion about his awareness of the impugned orders of punishment is concerned. We, on our part, have also examined the same. Since by the all impugned orders of punishment, increments of the

petitioner were stopped, it is not believeable that the petitioner did not become aware of the orders of punishment on the date on which the next increment was to be released to the petitioner. Since the petitioner in our view despite being aware of the impugned orders did not challenge the same within the period of limitation of 45 days but challenged the same after more than 7 years and in some cases after a period of 25 years thereafter, we are satisfied, that the Appellate Authority rightly rejected the appeal preferred by the petitioner through the impugned orders dated 8.3.2006/22.3.2006.

Dismissed.

(J.S.Khehar)
Judge

(Sham Sunder)
Judge

December 10, 2007
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